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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,848	12/19/2006	Shigemasa Takagi	2000-29	3073
30448 7590 04/01/2009 AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER				
ALTUN, NURI B				
ART UNIT		PAPER NUMBER		
3657				
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04/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/569,848

**Applicant(s)**

TAKAGI ET AL.

**Examiner**

NURI ALTUN

**Art Unit**

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 13-20, 23, 24 and 26 is/are pending in the application.  
4a) Of the above claim(s) 1-10, 14, 20, 23, 24 and 26 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 13 and 15-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/27/2006 09/25/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.

#### ***Election/Restrictions***

Applicant's election of Species D in the reply filed on 02/06/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims **1-12, 14, 20, 23, 24 and 26** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02/06/2009.

#### ***Specification***

The disclosure is objected to because of the following informalities: Reference numeral 4b is used to describe both the front half of the side contact surface and the rear half of the side contact surface in the first paragraph of page 25 of the specification. Appropriate correction is required.

Reference numeral 4 is used to describe recess groove in line 24 of page 25 of the specification, whereas reference numeral 4 is used to designate the side contact surface throughout the disclosure of the application. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by **Okamura (JPO 03125053)**.

**As per claim 13**, Okamura teaches a push block (38) for use with a metallic belt wound between annular V-grooves of a drive pulley and a driven pulley (see Fig. 1), wherein a plurality of the push blocks are for being superimposed with one another along the longitudinal direction of the metallic belt (see Fig. 2), the push block comprising: a side contact surface (50a) opposing inner side surfaces of the annular V-grooves of both pulleys; and

a front half of the contact surface forms an obtuse angle with a front surface of the push block, and a rear half of the contact surface forms an obtuse angle with a rear surface of the push block, wherein a ridge line functioning as an oil film breaking portion for breaking an oil film, which forms on the inner side surfaces of the annular V-grooves of the pulleys, extends along the entire length of the contact surface at a middle part of the contact surface in the widthwise direction (see Fig. 7),

wherein the push block is formed by bending a single wire material and then performing pressing (even though the product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. Bending or another method would result in the same structure of the product).

Claims **15-19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kato (JPO 10213185)**.

**As per claim 15**, Kato teaches a push block for use with a metallic belt wound between annular V-grooves of a drive pulley and a driven pulley (see Fig. 5), wherein a plurality of the push blocks are for being superimposed with one another along the longitudinal direction of the metallic belt (see Fig. 7), the push block comprising: a side contact surface opposing inner side surfaces of the annular V-grooves of both pulleys (see Figs. 5 and 6); and

a front portion of the contact surface forming an obtuse angle with a front surface of the push block, (see Fig. 7), and a groove (2e) extending along the entire length of the contact surface at the middle of the contact surface, wherein an inner wall of the groove and the contact surface defines the ridge line that functions as the oil film breaking portion, which forms on the inner side surfaces of the annular V-grooves of the pulleys (see Fig. 7), wherein the push block is formed by bending a single wire material and then performing pressing (even though the product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. Bending or another method would result in the same structure of the product).

**As per claims 16 and 17**, Kato teaches the groove (2e) has a rectangular cross section (see Fig. 2) and a triangular cross section (see Fig. 1b).

**As per claim 18**, Kato teaches the side contact surface of the body of the push block in frictional contact with the inner side surfaces of the annular V-grooves of both of

the pulleys and the side contact surface of the pillar continuous with the body side contact surface (see Figs. 5 and 6) includes a plurality of grooves (2e) extending parallel to the travel direction of the push block, with the width of the groove at the front side in the travel direction being wider than the width at the rear side in the travel direction (see Figs. 1b and 7).

**As per claim 19**, Kato teaches a metallic belt comprising a metal band and the push block (See Figs. 1a and 6).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakakibara 6,527,657.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NURI ALTUN whose telephone number is (571)270-5807. The examiner can normally be reached on Mon-Fri 7:30 - 5:00 with first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272 7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

NBA